

## SECTION 6                      DEFINITIONS

For the purpose of this ordinance certain terms and words are defined below. Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural; and words used in the plural shall also include the singular. The word "building" includes structure and "structure" includes building; the words "used" or "occupied" shall include within their meaning "intended, arranged, or designed to be used or occupied." The word "person" shall include corporation, partnership, or other legal entity. The masculine pronoun includes the feminine. Where other definitions are necessary and are not defined herein, the Planning and Zoning Commission shall define such terms. *(Amended: County Commission Resolution No. 1997-81)*

- 6.1    Accessory Building or Use. A building or use which: (1) is subordinate in area, extent or purpose to the principal building or principal use served; or (2) contributes to the comfort, convenience, or is a necessity for the occupants of the principal building or principal use.
- 6.2    Accessory Apartment. A dwelling unit that has been added onto, or created within, a single-family house or commercial structure, where permitted.
- 6.3    Accessory Unit. For the purposes of this regulation, an accessory unit is defined as an accessory apartment, caretaker residence and/or guest house.
- 6.4    Affordable Housing. Housing for low- and medium-income families that cannot afford to pay prevailing rents or make monthly payments necessary to obtain housing in the community. The definition of affordable housing shall be consistent with terminology established by the MT Department of Commerce.
- 6.5    Agriculture. The tilling of soil, the raising of crops, horticulture and gardening, dairying or animal husbandry, including all uses customarily incidental thereto; but not including any agriculture industry or business such as fruit packing plants, game farms, fur farms, animal hospitals, commercial dog kennels, horse stables, riding arenas, commercial feed lots or similar uses.
- 6.6    Airport. Any runway, landing area or facility, as certified by state and/or federal authorities, whether publicly or privately owned and operated, which is designed, used or intended to be used either by public carriers or private aircraft for landing and taking off of aircraft, including all necessary taxies, aircraft storage and tie-down area, hangars and other necessary buildings and open space.

- 6.7 Airstrip, Private. Any runway or landing area designated for the personal use of a property owner.
- 6.8 Apartment. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing two or more dwelling units.
- 6.9 Art Foundry. An establishment that specializes in casting metals for the purposes of creating pieces of art.
- 6.10 Automobile body repair and paint shop. An establishment with the primary business function of body and frame repair of passenger automobiles and light trucks. Repair work includes painting.
- 6.11 Automobile repair shop. An establishment with the primary business function of repair work related to the operation of passenger automobiles and light trucks.
- 6.12 Bed and Breakfast. A dwelling unit (Section 29.4) serving guests on a nightly basis, used as the primary residence of the owner; and serving meals to residents and overnight guests only.
- 6.13 Boarding/Rooming House. A residential structure that provides lodging with or without meals, is available for permanent or seasonal occupancy, and which makes no provisions for cooking in any of the rooms occupied by paying guests.
- 6.14 Building. A structure with a roof, built for support, shelter or enclosure of persons, animals, chattels, or property of any kind.
- 6.15 Building Height. The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 6.16 Building Materials. Materials intended for the construction of houses or other buildings, including but not limited to doors and windows, drywall, hardware, appliances, electrical and plumbing, insulation, lumber, masonry, roofing, siding and trusses.
- 6.17 Bus Shelter. A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.
- 6.18 Bus Turnout. A paved indentation at the side of a road or parking lot designed to allow buses to pick up and discharge passengers.

- 6.19 Camper. Any individual who occupies a campsite.
- 6.20 Campground. Any lot or land providing temporary overnight occupancy for two or more tents and recreational vehicles including permanent structures such as a management office, storage facilities, sanitary facilities, caretaker's residence and accessory uses as listed in Section 29.5. The definition of campground does not apply to temporary uses such as hunting camps, or to tents or recreational vehicles for personal use, if the number of tents and/or recreational vehicles does not exceed five.
- 6.21 Campsite. A plot of ground within a campground intended for exclusive occupation by a tent or recreational vehicle.
- 6.22 Car Wash. A business whose primary purpose is washing automobiles and light trucks.
- 6.23 Caretaker Residence. Dwelling unit for the family of a person who takes care of the house or land of an owner who may be absent. Caretaker residences may be located within a single-family dwelling unit, above a garage, within or above an accessory building, or as a separate living unit on a parcel with an existing dwelling unit.
- 6.24 Certificate of Occupancy. A document issued by the Zoning Enforcement Agent allowing the occupancy or use of a building in compliance with all applicable codes and ordinances.
- 6.25 Childcare Facility. An establishment providing for the care, supervision and protection of children.
- 6.26 Cluster Development. A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open spaces and/or preservation of environmentally sensitive features.
- 6.27 County Commission. The Board of County Commissioners of Gallatin County, Montana.
- 6.28 Commercial Use. A use which involves the exchange of goods or services, for compensation, whether by money, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time.

- 6.29 Comprehensive Plan. A general plan which shall include any document or portion of any document duly adopted by the Planning and Zoning Commission which is intended to guide the growth and development of the area. For the purposes of this document, the terms, general plan, master plan and comprehensive plan are interchangeable.
- 6.30 Conditional Use. Uses, other than permitted uses, that may be allowed in a specific zoning category, but which require a public hearing by the governing body to consider additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the Gallatin Canyon\Big Sky Planning and Zoning District.
- 6.31 Convenience Store. Any retail establishment under 3,500 square feet which offers for sale prepackaged food products, household items, newspapers, magazines and sandwiches and other freshly prepared foods.
- 6.32 Density. The total number of dwelling units allowed per gross acre or the floor area ratio allowed for commercial and industrial development.
- 6.33 Development Rights. The potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.
- 6.34 Dormitory. A structure which provides rooms for individuals or groups. Dormitories do not include individual kitchen facilities.
- 6.35 Dwelling, Multi-Family. A structure or portion thereof used for occupancy by two or more families living independently of each other in two or more dwelling units.
- 6.36 Dwelling, Single Family. A structure designed with complete, permanent and independent living facilities for one family.
- 6.37 Dwelling Unit. A structure or portion thereof providing permanent cooking, eating, sleeping and living facilities for one family and any resident domestic employees.
- 6.38 Employee Housing. Residential units restricted by covenant for use by persons employed within the Gallatin Canyon/Big Sky Planning and Zoning District, and their families. Employee housing includes dormitories, boarding/rooming houses, and dwelling units.
- 6.39 Enforcement Agent. The Gallatin County Planning Director or his/her designee.

- 6.40 Family. Any individual or two or more persons related by blood or marriage, or a group of not more than four persons (excluding domestic employees) who need not be related by blood or marriage, living together as a single non-profit housekeeping unit.
- 6.41 Freeholder. One having title to realty; either of inheritance or for life; either legal or equitable title.
- 6.42 Gambling Establishment. Any place, room, building or location that is used and employed for card games authorized by state statute.
- 6.43 Garage. A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.
- 6.44 Greenbelt. Completely undeveloped space not occupied by any structure or impervious surface. The purpose of a greenbelt is to protect views, wetlands and aquifers, ridge tops and other important geographical considerations such as old-growth timber, rock formations and grasslands.
- 6.45 Greenhouse. A building or structure constructed primarily of glass, glass-like translucent material, cloth, lath, or similar materials, which is devoted to the protection or cultivation of flowers or other plants.
- 6.46 Guest House. A second living unit which is not leased, subleased, rented or sub rented separately from the main dwelling unit.
- 6.47 Guest Ranch. Facility which provides short-term lodging to the general public, offers on-premise recreational and/or educational programs, and features central dining facilities.
- 6.48 Helistop. Any landing area, either at ground level or elevated on a structure, designated for use for the taking off or landing of helicopters for the emergency purpose of picking up or discharging of passengers or cargo.
- Helistops do not include Heliports, defined as permanent fueling, passenger or cargo facilities, fueling, maintenance and overhaul, service, storage, tie-down areas, hangars or other buildings, service facilities, or open spaces designed for
- 6.49 Home Occupation. An occupation or profession which is incidental to and carried on in a dwelling, accessory building, or on premises, by a member of the family residing within the dwelling, which is clearly secondary to the use of the dwelling for residential purposes.
- 6.50 Hostel. A structure providing dormitory-style, short-term lodging.

- 6.51 Hotel. A facility offering short-term lodging on a daily rate to the general public and providing additional services, such as restaurants, entertainment, meeting rooms and recreational facilities.
- 6.52 Industry, heavy. Those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes, or glare, odor, noise, or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.
- 6.53 Industry, light. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, packaging, treatment, incidental storage, sales and distribution of such products that do not result in conditions described for heavy industry.
- 6.54 Landscaping. The vegetative planting of trees, shrubs, grass, flowers, etc. and the placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, trellises, and statuary. This definition shall also include the designing of the placement of such materials.
- 6.55 Light Industry. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, packaging, treatment, incidental storage, sales and distribution of such products, but excluding basic industrial processing.
- 6.56 Lot. A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- 6.57 Lot, corner. A lot situated at the junction of and abutting two or more streets.
- 6.58 Lot, coverage. The total area of a lot covered by the principal and accessory buildings.
- 6.59 Lot lines. The lines bounding a lot as defined herein.
- 6.60 Lot width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
- 6.61 Manufactured Housing. Residential dwellings constructed entirely or substantially off-site.

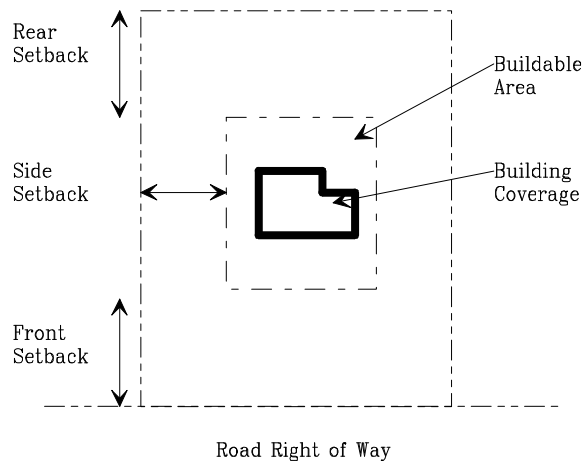
- 6.62 Manufacturing, light. Fabrication of and/or assembly of goods from previously prepared materials.
- 6.63 Medical Offices, Clinics and Centers. An establishment where patients are admitted for diagnosis and treatment by licensed health care professionals.
- 6.64 Mini-warehouse. A building or group of buildings in a controlled access and fenced or screened compound that contains relatively small storage spaces of varying sizes and/or spaces for recreational vehicles or boats, having individual, compartmentalized and controlled access for the dead storage of excess personal property of an individual or household generally stored in residential accessory structures, when such buildings or group of buildings are not located on the lot of the residence.
- 6.65 Mobile Home. A form of housing known as a "trailer," "house-trailer," or "trailer coach," built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.
- 6.66 Mobile Home Park. A tract of land providing two or more mobile home spaces for lease or rent to the general public.
- 6.67 Mobile Home Subdivision. A parcel of land that has been reviewed and approved for the placement of mobile homes for residential use.
- 6.68 Motel. A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having parking conveniently located on site; an establishment providing sleeping accommodations with a majority of rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- 6.69 Motor Home. See recreational vehicle.
- 6.70 Non-Conforming Parcel. A parcel, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this zoning regulation but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.
- 6.71 Non-Conforming Structure. A structure, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.

- 6.72 Non-Conforming Use. A use or activity that was lawful prior to the adoption, revision or amendment to this zoning regulation but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning ordinance.
- 6.73 Nursery, plant. Facilities for commercial development, growth and sale of plants and/or for the utilization of and storage of equipment for landscaping operation and wholesale and/or retail sales of commercial gardening supplies.
- 6.74 Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use and enjoyment of owners, occupants and their guests.
- 6.75 Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.
- 6.76 Open Space, Green. An open space area not occupied by any structures or impervious surfaces.
- 6.77 Open Space, Private. Common open space, the use of which is normally limited to the occupants of a single dwelling or building or property.
- 6.78 Open Space, Public. Open space owned or dedicated to a public agency and used by the general public.
- 6.79 Open Space Ratio. Total area of open space divided by the total site area in which the open space is located.
- 6.80 Owner's Association. A community association that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.
- 6.81 Parking Lot. An area or a structure, other than a public street or alley, designed or used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or as an accommodation for customers or clients.
- 6.82 Parking Space, Off-Street. A space located off any public right-of-way which is at least nine feet by 20 feet in size for parking of any motor vehicle, with room to exit either side of the vehicle, having adequate maneuvering space and access to public roads.



- 6.83 Parking Space, On-Street. A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.
- 6.84 Places of Assembly. Any area where 20 or more individuals collect to participate or to observe programs of participation.
- 6.85 Places of Worship. A church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar belief.
- 6.86 Planned Unit Development. A development project consisting of residential, recreational, commercial, industrial and office uses, or any combination thereof, which comprises a planned mixture of land uses built in a prearranged relationship to each other and which achieves the intent of Section 24 and provides for the development of usable and desirable open space, while providing for the preservation of significant natural features of the land.
- 6.87 Recreational Vehicle. A vehicular-type portable structure without a permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
- 6.88 Recreational Vehicle Park. Campground used exclusively for recreational vehicles, motor homes, travel trailers and tents, and having utilities provided to individual sites.
- 6.89 River Corridor. That area within 100 feet of the annual high waterline of the Gallatin River.
- 6.90 Seasonal Use. Part-time use associated with particular activities and which varies in accordance with periods of the year.
- 6.91 Setback. The horizontal distance between the property line and any structure.

## SETBACKS



- 6.92 Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity or to communicate information of any kind to the public. *Note*: See more specific definitions in Section 36.
- 6.93 Stream Corridor. That area within 50 feet from any designated river or stream, with the exception of the Gallatin River.
- 6.94 Strip Commercial Development. Commercial or retail uses, usually one-story high and one-store deep, that front on a major street. Strip commercial development is typically characterized by street frontage parking lots serving individual or strips of stores. Generally, strip commercial development is arranged linearly rather than clustered.
- 6.95 Structural alteration. Any change in the shape or size of any portion of a building or of the supporting members of the building or structure such as walls, columns, beams, arches, girders, floor joists or roof joists.
- 6.96 Structure. An edifice or building of any kind or any piece of work artificially built up, constructed or composed of parts joined together in some definite manner, but not including fences less than six feet in height or paved areas.
- 6.97 Timberland. Land covered by harvestable trees and wooded areas.
- 6.98 Transfer of Development Rights. The conveyance of development rights by deed, easement, or other legal instrument, authorized by this regulation, to another parcel of land and the recording of that conveyance with the County Clerk and Recorder.
- 6.99 Travel Trailer. A non self-propelled vehicular portable structure, which is not

more than eight feet in body width, designed as a temporary dwelling for travel, recreation and vacation uses.

- 6.100 Truck Terminals. A staging area for a regulated motor carrier with the sole purpose of loading, unloading and temporarily warehousing shipments.
- 6.101 Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
- 6.102 Utility Service. Distribution, transmission and/or collection systems serving the general public operating under one or more of the following conditions: (a) provides a service that is essential to the public health, safety or general welfare; (b) is subject to regulation by any governmental agency, either state or federal; (c) is granted a franchise.
- 6.103 Utility Service Establishment. Facilities, premises or business establishments used by a utility service for commercial activity.
- 6.104 Utility Service Operation Facilities. Facilities required by a utility service for its service operations, excluding commercial activities. Facilities may include buildings, structures, reception and distribution equipment above and below ground, lines, pipes, tanks, ponds, pumping stations, generation and switching stations, repeaters, antennas (including off-air, satellite and microwave), transmitters and receivers, construction and service equipment, valves, housings, or any other mechanical or electronic devices of any kind and any appurtenances and equipment necessary to the furnishing of the utility service.
- 6.105 Variance. A procedure which grants a property owner relief from certain provisions of the zoning regulation when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from an inconvenience.
- 6.106 Veterinarian Clinics. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Outside pens, kennels, or runs are not permitted as part of a veterinarian clinic. Short-term boarding is permitted.
- 6.107 Warehouse. An enclosed building designed and used primarily for the storage of goods and materials.
- 6.108 Wildland. Uncultivated land covered by forest, brush or grass, with little or no development, except for roads, railroads, power lines and similar

facilities, or remote structures used for recreation or timber production. Not fallow lands.

- 6.109 Wildland Residential Interface (WRI). Areas where structures are located close to natural vegetation. A boundary WRI is an area where a clearly defined, linear boundary of homes meets wildland vegetation. An intermix WRI is an area where structures are scattered among or mixed with wildland vegetation, without a clearly defined boundary.
- 6.110 Yard, front. An open space extending across the full width of the lot between the permitted front building line and the front lot line.
- 6.111 Yard, rear. An open space extending across the full width of the lot between the permitted rear building line and the rear lot line.
- 6.112 Yard, side. An open space extending from the side permitted building line to a side lot line, between front yard and rear yard running from the front to the rear lot lines.
- 6.113 Zoning Commission. The Gallatin Canyon/Big Sky Planning and Zoning Commission.
- 6.114 Zoning Enforcement Agent. The Gallatin County Planning Director or his/her designee.

*(Amended: County Commission Resolution No. 2002-49: See numbers 6.2; 6.9; 6.10; 6.11; 6.16; 6.22; 6.45; 6.54; 6.55; 6.64; 6.65; 6.66; 6.75; 6.102; 6.108; 6.109)*

*(Amended: County Commission Resolution No. 2007-001: See number 6.48)*